

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on September 15, 2009.

Mayor David W. Cline presided and called the meeting to order at 6:30 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: Interim City Administrator John Kolata, City Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Ervin moved to approve the consent agenda consisting of minutes of the rescheduled meeting September 2, 2009; Fire Department report for the month of August, 2009; payroll and bills for the first half of September, 2009; and Revenue and Finance reports.

Bills and payroll for the first of September, 2009

General Fund

| | | | |
|---------|-------|----|-------------------|
| Payroll | | \$ | 252,661.28 |
| Bills | | \$ | <u>159,412.17</u> |
| | Total | \$ | 412,073.45 |

Hotel Tax Fund

| | | | |
|---------|-------|----|------------------|
| Payroll | | \$ | 1,809.96 |
| Bills | | \$ | <u>20,312.24</u> |
| | Total | \$ | 22,122.20 |

Festival Management

| | | | |
|-------|-------|----|---------------|
| Bills | | \$ | <u>278.00</u> |
| | Total | \$ | 278.00 |

Midtown TIF Fund

| | | | |
|-------|-------|----|------------------|
| Bills | | \$ | <u>71,623.49</u> |
| | Total | \$ | 71,623.49 |

Capital Project Fund

| | | | |
|-------|--|----|-------------------|
| Bills | | \$ | <u>275,882.00</u> |
| | | \$ | 275,882.00 |

Water Fund

| | | | |
|---------|-------|----|------------------|
| Payroll | | \$ | 29,284.70 |
| Bills | | \$ | <u>49,315.60</u> |
| | Total | \$ | 78,600.30 |

Sewer Fund

| | | | |
|---------|-------|----|------------------|
| Payroll | | \$ | 26,012.93 |
| Bills | | \$ | <u>46,561.34</u> |
| | Total | \$ | 72,574.27 |

Cemetery Fund

| | | | |
|---------|-------|----|-----------------|
| Payroll | | \$ | 3,588.08 |
| Bills | | \$ | <u>1,551.54</u> |
| | | \$ | 5,139.62 |
| | Total | | |

Health Insurance

| | | | |
|-------|-------|----|------------------|
| Bills | | \$ | <u>61,417.78</u> |
| | | \$ | 61,417.78 |
| | Total | | |

Motor Fuel Tax Fund

| | | | |
|-------|-------|----|----------|
| Bills | | \$ | 2,640.04 |
| | Total | \$ | 2,640.04 |

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA
Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

PUBLIC HEARING: Single Family HOME Grant program.

Mayor Cline opened the public hearing regarding the Single Family HOME Grant program at 6:32 p.m. on September 15, 2009 in the City Hall Council Chambers. Mr. Doug McDermund of Coles County Regional Planning and Development Commission conducted the public hearing; reviewed the grant process; announced a new two-year IDHA program; stated the benefits over two years for twelve single family homes with incomes less than \$43,000; determined the application deadline as October 9, 2009; and opened the floor for questions/comments. Answering Mr. Herb Meeker's of the Journal Gazette inquiries, Mr. McDermund stated the award of the applications would be mid-January and anticipated the optimal amount of homes in the award. Mayor Cline closed the public hearing at 6:37 p.m.

Mayor Cline opened the floor for public comments/presentations and non-agenda items. Commissioner Rankin acknowledged Michael Nichols' achievement of certification of Class 1 Waste Water Treatment Plant Operator I, and congratulated Mr. Nichols on his achievement.

Administrator Kolata reviewed the agenda items. Mayor Cline called for questions or comments. There were no questions or comments.

Mayor Cline seconded by Commissioner Hall moved to adopt Ordinance 2009-5280, amending Section 10.99 of the municipal code redefining the general penalty.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2009-5280**

**AN ORDINANCE AMENDING SECTION 10.99 OF THE CITY OF MATTOON'S CODE OF ORDINANCES
STATING THE GENERAL PENALTY**

WHEREAS, the City of Mattoon currently has an ordinance that requires an amendment per the statutes of the State of Illinois, and

WHEREAS, the current minimum general penalty is insufficient.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Section 10.99 of the Code of Ordinances of the City of Mattoon is hereby reenacted as follows:

§10.99 GENERAL PENALTY.

(A) Unless another penalty is specifically provided by this code for violation of any particular provisions, section or chapter, any person violating any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall upon conviction be subject to a fine of not less than \$50.00, nor more than \$750.00 for each offense, and a separate offense shall be deemed committed during or on which a violation occurs or continues and additionally the costs of prosecution and any court costs.

(B) The person upon whom any fine or penalty is imposed for violation of any provision of this code or any ordinance of the City, upon order of the court before whom the conviction is had, may be committed to county jail as provided by law, or to any other place provided by ordinance for the incarceration of offenders until the fine, penalty, and costs are fully paid. No imprisonment, however, shall exceed six months for any one offense.

- (C) Each act of violation and each day upon which a violation occurs constitutes a separate offense.
- (D) The penalty provided by this section applies to the amendment of any section of this code or a code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.
- (E) Reference to a section of this code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
- (F) The failure of an officer or employee of the City to perform an official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided in the Section creating the duty.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Hall, adopted this 15th day of September, 2009, by a roll call vote, as follows:

| RECORD OF THE VOTE | Aye | Nay | Abstain | Absent |
|---------------------------|-----|-----|---------|--------|
| Mayor David Cline | X | | | |
| Commissioner Randy Ervin | X | | | |
| Commissioner Tim Gover | X | | | |
| Commissioner Rick Hall | X | | | |
| Commissioner Chris Rankin | X | | | |

Approved this 15th day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to adopt Ordinance 2009-5281, amending Sections of the municipal code referring to the general penalty.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2009-5281**

**AN ORDINANCE AMENDING THE SECTIONS OF THE CITY OF MATTOON'S CODE OF ORDINANCES
REFERRING TO THE GENERAL PENALTY**

WHEREAS, the City of Mattoon currently has an ordinance that requires an amendment per the statutes of the State of Illinois, and

WHEREAS, the former general penalty has been changed and in various places throughout the Code of Ordinances the amount of the former general penalty is restated in the particular chapters as "...not less than \$1 nor more than \$500 for each offense..."

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Where appearing throughout the City of Mattoon's Code of Ordinances a penalty section states that the penalty associated with the Chapter or Section is "not less than \$1 nor more than \$500" or words to that effect, the following statement will be substituted for the amounts of the penalty.

"The General Penalty of §10.99 shall apply upon conviction."

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Hall, adopted this 15th day of September, 2009, by a roll call vote, as follows:

| RECORD OF THE VOTE | Aye | Nay | Abstain | Absent |
|---------------------------|-----|-----|---------|--------|
| Mayor David Cline | X | | | |
| Commissioner Randy Ervin | X | | | |
| Commissioner Tim Gover | X | | | |
| Commissioner Rick Hall | X | | | |
| Commissioner Chris Rankin | X | | | |

Approved this 15th day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1362, repealing the TIF Incentive Grant of Special Ordinance 2008-1304 and replacing the grant with a one-time TIF incentive. Janice Moritz d/b/a Warner's Office Equipment - Recipient

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1362

**A SPECIAL ORDINANCE REPEALING SPECIAL
ORDINANCE NO. 2008 – 1304 AND REPLACING THE TIF INCENTIVE GRANT BY THAT SPECIAL
ORDINANCE WITH A ONE-TIME TIF INCENTIVE**

WHEREAS, by Special Ordinance No. 2008 – 1304 the City of Mattoon had entered into a Grant Agreement with Janice Moritz d/b/a Warner's Office Equipment for the removal and replacement of a roof on the building located at 1601 Broadway Avenue; and,

WHEREAS, the grant recipient has indicated that she does not desire to go forward with the replacement of the roof at this time but desires to make repairs to the existing roof; and,

WHEREAS, it is in the best interest of the City to repeal the Special Ordinance authorizing the original TIF Grant for the replacement of the roof and to grant a one-time TIF incentive of for repairs to the roof of the building located at 1601 Broadway; and,

WHEREAS, the Mid-Town TIF Incentive Committee has approved the repeal of the original grant and the new grant of a one-time incentive for the roof repairs.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance

Section 2. Special Ordinance No. 2008 – 1304 is hereby repealed in its entirety and is no longer valid.

Section 3. The City hereby grants Janice Moritz a one-time TIF Grant in the amount of \$4,800.00 for repairs to the roof of the building located at 1601 Broadway Avenue.

Section 4. The City Treasurer is directed to make payment on this grant after receiving proof the repairs have been made and of the amount expended to make those repairs equals the amount of this grant.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Commissioner Gover, seconded by Commissioner Ervin, adopted this 15th day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 15th day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien,
City Clerk

/s/ J. Preston Owen
J. Preston Owen,
City Attorney & Treasurer

Recorded in the Municipality's Records on October 6, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Rankin moved to adopt Resolution 2009-2786, authorizing and supporting a single family owner occupied rehabilitation grant application; and authorizing the Mayor to execute all documents (HOME Grant 2009/2011).

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2009-2786

A resolution of authorization and support for a single family owner occupied rehabilitation grant application

WHEREAS, the City of Mattoon, is applying to the State of Illinois for HOME Single Family Owner Occupied Rehabilitation Program funds administered by the Illinois Housing Development Authority (IHDA), and,

WHEREAS, it is necessary that an application be authorized for submission by the City Council and that the Mayor be authorized to sign documents as required by the Illinois Housing Development Authority in connection with said HOME funds,

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1) That the City authorizes and supports the submission of an application for HOME Single Family Owner Occupied Rehabilitation Program funds under the terms and conditions of the State of Illinois and shall enter into and agree to the understandings and assurances contained in said application.
- 2) That the Mayor may execute such documents and all other documents necessary for the carrying out of said application and provide such additional information as may be required to accomplish the obtaining of such grant.

Upon motion by Commissioner Gover, seconded by Commissioner Rankin, adopted this 15th day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline

NAYS (Names) None

ABSENT (Names) None

Approved this 15th day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on October 6, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to adopt Resolution 2009-2787, appropriating \$50,000 of MFT funds for 2009 Street Maintenance. [09-00182-00-RS] (*IDOT Resolution*)



**Resolution for Improvement by
Municipality Under the Illinois
Highway Code**

BE IT RESOLVED, by the Council of the

City _____ of Mattoon Illinois

City, Town or Village

that the following described street(s) be improved under the Illinois Highway Code:

| Name of Thoroughfare | Route | From | To |
|----------------------|----------|------------------------------|--------------------------|
| Park Street | FAU 7707 | IL 16 | FAU 7670 Western Ave |
| 33 rd St | FAU 7684 | FAU 7670 Western | IL 121 |
| 32 nd St | FAU 7685 | IL 16 | FAU 7670 Western Ave |
| 27 th St | FAU 7687 | IL 121 | FAU 7672 Charleston Ave. |
| Charleston Ave | FAU 7672 | FAU 7687 27 th St | IL 16 |
| Oklahoma Ave | FAU 7678 | FAU 7698 9 th St | FAU 6 th St. |
| 6 th St. | FAU 7699 | IL 16 | FAU 7669 Richmond Ave |

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Various Bituminous Patching of failed joints,Variable thickness of Resurfacing of Bituminous Surface, Bituminous Shoulders, Edge and center line striping

_____ and shall be constructed _____ wide

and be designated as Section 09-00182-00-RS2. That there is hereby appropriated the (additional ☐ Yes ☐ No) sum of Fifty Thousand Dollars_____ Dollars (\$50,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.3. That work shall be done by Contract _____ ; and,

Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

| | |
|----------|---|
| Approved | I, <u>Susan O'Brien</u> Clerk in and for the |
| | <u>City</u> of <u>Mattoon</u> |
| | City, Town or Village |
| | County of <u>Coles</u> , hereby certify the |
| | foregoing to be a true, perfect and complete copy of a resolution adopted |
| | by the <u>Council</u> |
| | Council or President and Board of Trustees |
| | at a meeting on <u>September 15, 2009</u> |
| | Date |
| | IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this |
| | <u>16th</u> day of <u>September, 2009</u> |
| | (SEAL) |
| | <u>/s/ Susan J. O'Brien</u> |
| | City, Town, or Village Clerk |

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to approve Council Decision Request 2009-1014, approving the TIF Incentive Committee's decision to:

Deny an application for Picket Fence, due to routine maintenance; and,
Deny an application for Memory Lane, due to routine maintenance; and,
Postpone an application for Land Trust #829, requesting the applicant to provide more information.

Mayor called for comments. Council with input from Attorney & Treasurer Owen and Administrator Kolata discussed Phase I and Phase II of the Midtown TIF District and expected increment involved with projects.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2009-1015, accepting a quote from Vandevanter Engineering of Fenton, Missouri in the amount of \$32,142. for upgrades and new pump installation at the Golden Valley Lift Station.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Gover moved to approve Council Decision Request 2009-1016, authorizing the employment of William Tatman II as a replacement Public Works Maintenance Worker III, effective September 16, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2009-1017, accepting a quote from Maxedon Landscaping of Effingham for \$7,986.54 for grading and seeding the new west section of Dodge Grove Cemetery.

Mayor called for comments. Council with input from Director Wortman and Attorney & Treasurer Owen discussed the expansion of Dodge Grove Cemetery.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Hall moved to approve Council Decision Request 2009-1018, approving the proposal from Bartels Construction of Mattoon in the amount of \$6,650.00 for construction of a guard wall around the utilities at the Depot; and authorizing the Mayor to sign the documents.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Hall moved to approve Council Decision Request 2009-1019, approving the proposal from Detection Security Company, Inc. of Mattoon for installation of programmable door locks and a security camera system at the Depot; and authorizing the Mayor to sign the documents.

Mayor called for comments. Commissioner Hall and Attorney & Treasurer Owen discussed the timeline for the installation of the security cameras.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin recessed to closed session at 6:58 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); the price for sale or lease of property (5 ILCS 120(2)(c)(6)); and the purchase or lease of real property (5 ILCS 120(2)(c)(5)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Council reconvened at 7:21 p.m.

Commissioner Gover seconded by Commissioner Ervin moved to adjourned at 7:21 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk